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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

09/647,332

## Applicant(s)

GONNO ET AL.

## Examiner

JOSEPH G. USTARIS

## Art Unit

2424

**Period for Reply**  
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/88)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. The objection to claims 5 and 6 is now withdrawn in view of the amendments.

Applicant's arguments filed November 10, 2008 have been fully considered but they are not persuasive.

Applicant argues with respect to claims 1-7 that Wang, Ottesen, Blonstein, and Ellis does not disclose meta data combining means for combining the corresponding meta data and segmentation information for the segmented contents data corresponding to the meta data schema and that the receiving apparatus updates the meta data schema according to a user's favorite and transmit the updated meta data schema to a transmitting apparatus before receiving the meta data so that the meta data is selectively delivered based on the updated meta data schema. However, reading the claims in the broadest sense, Wang in view of Ottesen, Blonstein, and Ellis does meet that limitation in the claims. Wang discloses a meta data combining means (e.g. the EPG manager combines the meta data and the URLs into the web pages and then are stored) for combining the corresponding meta data and segmentation information (e.g. URLs) for the segmented contents data (e.g. the HTML web pages) (See Fig. 4; column 3 line 62 – column 4 line 8, column 5 lines 5-10) corresponding to the meta data schema (e.g. the corresponding meta data and segmentation information are combined corresponding to HTML standards in order to produce web pages as discussed below in the rejection). Furthermore, Blonstein discloses that the meta data schema is updated by the receiving apparatus according to a user's favorite (e.g. the

receiver and user can update the structure layout of the EPG to display only user's favorites) (See Figs. 6-16) and Ellis discloses that the system transmits the updated meta data schema (e.g. the updated profile) to a transmitting apparatus (e.g. program guide server) before receiving the meta data (e.g. program guide data) so that the meta data is selectively delivered based on the updated meta data schema (e.g. the updated profile defines how the user wishes to view the guide) (See col. 2 lines 16-30).

Applicant argues that Ellis selects meta data according to programs preferred by a user and not according to meta data schema preferred by a user. However, the examiner respectfully disagrees. Blonstein discloses that the meta data schema is updated by the receiving apparatus according to a user's favorite display layout (e.g. the receiver and user can update the structure layout of the EPG to display only user's favorites) (See Figs. 6-16). Ellis discloses that such preferences are transmitted to a server to execute the changes (See col. 2 lines 16-30). Therefore, the request to update/change the structure layout of the EPG (e.g. meta data schema) is used to select the appropriate meta data (e.g. the user configures the EPG layout to display only user's favorites) (See Blonstein Figs. 6-16). It is also noted that the feature of receiving meta data of a program not preferred by the user is not clearly articulated in the claims.

Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (US006675385B1) in view of Ottesen et al. (US005930493A), Blonstein et al. (US005978043A), and Ellis et al. (US006898762B2).

Regarding claim 1, Wang discloses a transmitting apparatus for transmitting contents data and corresponding meta data over a network (e.g. MPEG digital television network) (See Fig. 1; column 2 line 29).

The system includes: contents storing means (e.g. local database) for storing contents data (e.g. EPG data) and corresponding meta data (wherein the EPG data includes meta data, e.g. title, channel information, start time, and stop time of various programs) in a broadcast format (e.g. the format it is received in) (See Fig. 4; column 2 lines 55-61 and column 3 lines 55-61);

meta data schema storing means (e.g. the system generates HTML web pages of the EPG and stores the pages) for storing a meta data schema (e.g. the HTML) defining a data structure for the meta data that is compatible with a network transmission format (e.g. the HTML web pages of the EPG are compatible with the MPEG-2 transport stream) (See Fig. 4; column 3 line 62 – column 4 line 8, column 5 lines 5-10).

In order to generate the HTML web pages of the EPG, the system further includes: contents segmenting means (e.g. the EPG manager of the system generates sets of Web pages based on the EPG data) for segmenting the contents data (e.g. EPG data) and generating segmentation information (e.g. assigning each Web page a universal resource locator (URL)) of the contents data (See column 3 lines 62-66),

meta data combining means (e.g. the EPG manager combines the meta data and the URLs into the web pages and then are stored) for combining the corresponding meta data and segmentation information (e.g. URLs) for the segmented contents data (e.g. the HTML web pages) (See Fig. 4; column 3 line 62 – column 4 line 8, column 5 lines 5-10) corresponding to the meta data schema (e.g. the corresponding meta data and segmentation information are combined corresponding to HTML standards in order to produce web pages as discussed above).

In order to transmit the HTML web pages of the EPG over the network, the system also includes: contents converting means (e.g. the HTML web pages of the EPG are encoded into a MPEG-2 transport stream by the MPEG-2 encoder) for converting the segmented contents data (e.g. the HTML web pages of the EPG) into the network transmission format (e.g. MPEG-2 format) (See Fig. 1; column 1 lines 24-35, column 3 lines 55-61, and column 4 lines 9-15);

meta data converting means (e.g. the data streamer and MPEG-2 encoder) for converting the meta data (e.g. from the EPG data) and segmentation data (e.g. URLs) from the broadcast format (e.g. the format the EPG data is received in) into the network transmission format (e.g. MPEG-2 format) (See Fig. 1; column 1 lines 24-35, column 3

lines 55-61, and column 4 lines 9-15), wherein said meta data converting means converts the meta data (e.g. from the EPG data) with the segmentation information (e.g. the URLs) and represents the meta data with the segmentation information in a descriptor format (e.g. data packets represented by PIDs) of an MPEG system section (e.g. the data packets are in accordance with the MPEG-2 standard) (See col. 4 lines 9-30);

wherein the meta data schema is transmitted to a receiving apparatus (e.g. the HTML web pages of the EPG are transmitted to a settop box 24) (See Figs. 1-3);

meta data schema converting means (e.g. the MPEG-2 encoder) for converting the meta data schema (e.g. the HTML) into the network transmission format (e.g. MPEG-2 format) (See Fig. 1; column 1 lines 24-35, column 3 lines 55-61, and column 4 lines 9-15);

transmitting means for transmitting the converted meta data and segmentation information, the converter meta data schema, and the converted contents data in the network transmission format (e.g. MPEG-2 format) over the network (See Figs. 1-3).

Wang further discloses that the contents data (EPG data and broadcast programs) are delivered to the users site (See Fig. 3). However, Wang does not disclose that the content storing means stores contents data comprising broadcast programs and updating the meta data schema by the receiving apparatus according to a user's favorite before the meta data is transmitted so that the meta data is selectively delivered based on the updated meta data schema.

Ottesen et al. (Ottesen) discloses a transmitting and receiving system for delivering contents data (See Fig. 2). Ottesen discloses a contents storing means that stores contents data comprising broadcast programs (See Fig. 3; col. 8 lines 17-33 and col. 8 line 64 – col. 9 line 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the contents storing means and contents data disclosed by Wang to store broadcast programs, as taught by Ottesen, in order to provide a media-on-demand system that allows the user to choose the programs they want at whatever time they want (See col. 3 lines 7-17).

Blonstein et al. (Blonstein) discloses a receiving system for contents data (See Fig. 1). Blonstein discloses that the meta data schema is updated by the receiving apparatus according to a user's favorite (e.g. the receiver and user can update the structure layout of the EPG to display only user's favorites) (See Figs. 6-16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Wang to have the meta data schema updated by the receiving apparatus according to a user's favorite, as taught by Blonstein, in order to provide a guide system that make it possible to minimize the number of user inputs required to create a customized list of TV channels (See col. 2 lines 30-36).

Ellis et al. (Ellis) discloses a program guide system. Ellis discloses that a profile is updated before the meta data (e.g. program guide data) is transmitted so that the meta data is selectively delivered based on the updated meta data schema (e.g. the updated profile defines how the user wishes to view the guide) (See col. 2 lines 16-30).



Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Wang in view of Ottesen and Blonstein to perform the updating of the meta data schema before the meta data is transmitted so that the meta data is selectively delivered based on the updated meta data schema, as taught by Ellis, in order to minimize the memory requirements of the user's television equipment and lessen the bandwidth requirements of the distribution network (See col. 2 lines 25-30).

Claim 2 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. Furthermore, the URLs also serve as the "identifier of the segmentation information", wherein it identifies all the web pages of the EPG that includes the "meta data". The URLs are assigned and stored with the web pages or "segmentation information storing means" as discussed above. The URLs are also encoded or "converted" or "segmentation information converting means" and transmitted down to the user over the network.

Regarding claim 3, the HTML web pages of the EPG are encoded or "converted" into an MPEG-2 transport stream or "represents the meta data schema in an MPEG system section format" (See Wang column 4 lines 9-23).

Claim 7 contains the limitations of claims 2 and 3 and is analyzed as previously discussed with respect to those claims.

4. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (US006675385B1) in view of Blonstein et al. (US005978043A) and Ellis et al. (US006898762B2).

Regarding claim 5, Wang also discloses a system for receiving HTML web pages of the EPG and broadcast programs in an MPEG digital TV system or "network" (See Fig. 3). The set top box (STB) receives the HTML web pages of the EPG and broadcast programs or "segmented contents data" that includes the "meta data" and URLs or "segmentation information" (See Fig. 3; col. 1 lines 14-23, wherein the audio and video streams are delivered using the MPEG-2 standard, which inherently segments the audio and video into MPEG-2 packets), wherein the web pages are defined by HTML or "meta data schema" over the network (See Fig. 1). The corresponding meta data being combined with the segmented contents data corresponding to the meta data schema (e.g. the corresponding meta data and segmented contents data are combined corresponding to HTML standards in order to produce web pages as discussed above). The HTML web pages are stored in memory or "meta data schema storing means" or "meta data storing means" (See Fig. 1 and 3; column 4 lines 41-50). The web browser of the STB performs the functions of the "meta data analyzing means" where it parses, layouts, and renders the HTML web pages of the EPG and the "contents reproduction controlling means" where it displays the HTML web pages of the EPG that includes the URL links to other web pages and the "meta data" as defined by the HTML (See Figs. 3-9). Furthermore, the meta data includes electronic program guide data converted for transmission from a broadcast transmission format (e.g. the format the EPG data is

received in) into the network transmission format (e.g. MPEG-2 format) (See Fig. 1; column 1 lines 24-35, column 3 lines 55-61, and column 4 lines 9-15), and wherein said meta data (e.g. from the EPG data) with said segmentation information (e.g. the URLs) is represented in a descriptor format (e.g. data packets represented by PIDs) of an MPEG system section (e.g. the data packets are in accordance with the MPEG-2 standard) (See col. 4 lines 9-30).

However, Wang does not disclose wherein the receiving apparatus updates the meta data schema according to a user's favorite and transmits the updated meta data schema to a transmitting apparatus before receiving the meta data so that the meta data is selectively delivered based on the updated meta data schema.

Blonstein et al. (Blonstein) discloses a receiving system for contents data (See Fig. 1). Blonstein discloses that the meta data schema is updated by the receiving apparatus according to a user's favorite (e.g. the receiver and user can update the structure layout of the EPG to display only user's favorites) (See Figs. 6-16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Wang to have the meta data schema updated by the receiving apparatus according to a user's favorite, as taught by Blonstein, in order to provide a guide system that make it possible to minimize the number of user inputs required to create a customized list of TV channels (See col. 2 lines 30-36).

Ellis et al. (Ellis) discloses a program guide system. Ellis discloses that the system transmits the updated meta data schema (e.g. the updated profile) to a

transmitting apparatus (e.g. program guide server) before receiving the meta data (e.g. program guide data) so that the meta data is selectively delivered based on the updated meta data schema (e.g. the updated profile defines how the user wishes to view the guide) (See col. 2 lines 16-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Wang in view of Blonstein to transmit the updated meta data schema to a transmitting apparatus before receiving the meta data so that the meta data is selectively delivered based on the updated meta data schema, as taught by Ellis, in order to minimize the memory requirements of the user's television equipment and lessen the bandwidth requirements of the distribution network (See col. 2 lines 25-30).

Claim 6 contains the limitations of claim 5 and is analyzed as previously discussed with respect to that claim. Furthermore, the URLs also serve as the "identifier" to the "segmentation information", wherein the URLs identifies and links all the web pages of the EPG that includes the "meta data". The URLs are assigned and stored with the web pages or "segmentation information storing means" as discussed above in claim 5. The web browser of the STB performs the functions of the "meta data analyzing means" where it parses, layouts, and renders the HTML web pages of the EPG according to the HTML, where it places the "meta data" in the corresponding location on the web pages as well as placing the URL links to other web pages in the corresponding location on the web pages or "analyzing the stored meta data on the basis of the meta data schema, and the stored segmentation information on the basis of the identifier" (See Fig. 3-9).

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH G. USTARIS whose telephone number is (571)272-7383. The examiner can normally be reached on M-F 7:30-5 PM; Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph G Ustaris/  
Primary Examiner, Art Unit 2424